

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
SABBY VOLATILITY WARRANT MASTER
FUND LTD., EMPERY ASSET MASTER, LTD,
EMPERY TAX EFFICIENT, LP, EMPERY TAX
EFFICIENT III, LP,

Plaintiffs,

-against-

KIROMIC BIOPHARMA, INC., MAURIZIO
CHIRIVA-INTERNATI, TONY TONTAT,
GIANLUCA ROTINO, PIETRO BERSANI,
AMERICO CICCETTI, MICHAEL NAGEL, and
JERRY SCHNEIDER,

Defendants.

ANALISA TORRES, District Judge:

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22 Civ. 1927 (AT)

ORDER

The Court has reviewed Defendants' letter motions dated October 7, 8, and 10, 2022. ECF Nos. 106, 107, 109, 110. Accordingly:

- Defendants Kiromic Biopharma, Inc., Pietro Bersani, and Gianluca Rotino's motion for extension of time to reply to Plaintiff's opposition to their motion to dismiss, ECF No. 106, is GRANTED. By **October 17, 2022**, Kiromic Biopharma, Bersani, and Rotino shall file their reply.
- Defendants Michael Nagel, Jerry Schneider, and Americo Cicchetti's motion for extension of time to reply to Plaintiff's opposition to their motion to dismiss, ECF No. 107, is DENIED as moot. *See* ECF No. 110.
- Defendant Maurizio Chiriva-Internati's motion for extension of time to reply to Plaintiff's opposition to his motion to dismiss, ECF No. 109, is GRANTED. By **October 17, 2022**, Chiriva-Internati shall file his reply.

Further, the Court has been advised that Plaintiffs and Defendants Michael Nagel, Jerry Schneider, and Americo Cicchetti have reached an agreement-in-principle to resolve this dispute. ECF No. 110. Accordingly, the above-entitled action is hereby dismissed and discontinued without costs as to Defendants Michael Nagel, Jerry Schneider, and Americo Cicchetti, and without prejudice to the right to reopen the action within thirty days of the date of this Order if the settlement is not consummated.

Any application to reopen must be filed within thirty days of this Order; any application to reopen filed thereafter may be denied solely on that basis. If the parties wish for the Court to retain jurisdiction for the purposes of enforcing any settlement agreement, they must submit the settlement agreement to the Court within the same thirty-day period to be so-ordered by the Court.

Per Rule IV(C) of the Court's Individual Practices in Civil Cases, the Court will not retain jurisdiction to enforce a settlement agreement unless it is made part of the public record.

The Clerk of Court is directed to terminate Defendants Michael Nagel, Jerry Schneider, and Americo Cicchetti from the case, and to terminate the motions pending at ECF Nos. 106, 107, 109, and 110.

SO ORDERED.

Dated: October 11, 2022
New York, New York



ANALISA TORRES
United States District Judge